

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Robert Frost, Jr., #301382,	)	C/A No. 5:11-2520-JFA-KDW
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
South Carolina Dept. of Correction,	)	
Director Bill Byers, Levern Cohen,	)	
Warden, Ms. Montouth, I.G.C.,	)	
Captain Best, in their individual and	)	
official capacity,	)	
	)	
Defendants.	)	

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Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. This matter is before the court on Plaintiff's Motion to Compel Discovery and Motion for Extension of Time filed on January 29, 2013. ECF No. 91. Defendants filed a response opposing Plaintiff's Motion to Compel on February 13, 2013. ECF No. 93. Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in prisoner petitions filed pursuant to 42 U.S.C. § 1983.

Plaintiff asks the court to issue an order which "directs the named Defendants to comply with Plaintiff's discovery demands." ECF No. 91 at 1. Defendants oppose this motion contending that the court's March 9, 2012 order, ECF No. 50, held that Defendants did not have to respond to Plaintiff's discovery requests. ECF No. 93 at 1. The court finds that Defendants are protected from Plaintiff's discovery requests pending the disposition of Defendants' asserted defense of qualified immunity. Because the court has not ruled on Defendants' qualified immunity defense, Plaintiff's motion to compel defendants to respond to his discovery requests is denied. Plaintiff also asks the court to grant him an additional 30 days to file his dispositive

motion. ECF No. 91 at 1. Defendants do not oppose this request. Therefore, Plaintiff's request for extension of time is granted. Accordingly, Plaintiff's Motion, ECF No. 91, is granted in part and denied in part. Plaintiff's dispositive motion is now due by March 20, 2013.

IT IS SO ORDERED.

February 22, 2013  
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West  
United States Magistrate Judge